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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/262,264 | 03/04/1999 | ARUN G. KHANNA | 112025-0122 | 9124 |

7590 05/12/2004

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| EXAMINER |
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GEORGE, KEITH M

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| ART UNIT | PAPER NUMBER |
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2663

DATE MAILED: 05/12/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/262,264

Applicant(s)

KHANNA, ARUN G.

Examiner

Keith M. George

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10-20, 26 and 27 is/are allowed.
- 6) ☒ Claim(s) 21-25, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-25, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinchey et al., U.S. Patent 5,999,541, hereinafter Hinchey in view of Periasamy et al., U.S. Patent 6,065,062, hereinafter Periasamy.

3. Referring to claims 21, 23, 24 28 and 29, Hinchey discloses a method and router comprising receiving a first control vector having source route information from a RIF of a first TR explorer frame created at a remote router connected to the first TR network (i.e. fig. 2, 50, 52, 54, source routing information from RIF is received from source TR); extracting the source route information (i.e. fig. 3, 120, 122, the source routing information in RIF is obtained to be entered into the route control and descriptor fields if the packet is source routed); loading the extracted source route information into a RIF of a second TR explorer frame (i.e. fig. 4, 164, the source routing information of the route control and descriptor fields is entered in RIF of the new token ring packet); and transmitting the second TR explorer frame on a second TR network to a destination to provide complete route information (i.e. it is inherent that if there is a desire for source routing, the destination receiving this new native token ring will use the RIF information and obtain the desired end to end routing information). Hinchey has clearly taught the method of

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encapsulating a token ring packet within an Ethernet packet; one advantage of the tunneled Token Ring packet is retention of source routing (RIF) ability. Tunneled Token Ring packets retain the information necessary to implement source routing (RIF). Hence, when a native Token Ring packet is created from a tunneled Token Ring packet, the original source routing information may be employed (column 2, lines 29-36). It would be inherent to the invention of Hinchey that before the process of tunneling a token ring packet in an Ethernet frame is begun, that the composition of the remote router be determined. When it is determined that it is an Ethernet network, and therefore will support RIF passthrough via a tunneled Token Ring packet, the tunneling process detailed in the invention would begin. The tunneling process would not have been started if, for example, the remote network were also a Token Ring network. Hinchey teaches all of the above with the possible exception of exchanging capabilities that exchange messages with a remote router. Periasamy teaches a backup peer pool for a routed computer network including that after the TCP connection is established, SSP messages are exchanged to establish the capabilities of the two communicating switches. Once this "capabilities exchange" is complete, the switches employ SSP messages to establish end-to-end circuits over the transport connection (column 5, lines 13-18). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to apply the "capabilities exchange" taught by Periasamy to the method of supporting RIF passthrough taught by Hinchey. One of ordinary skill in the art would have been motivated to do this because of the obvious advantages taught by Periasamy that include creating a network where a device could be aware of the functionality of other devices in the network (abstract).

4. Referring to claims 22 and 25, Hinchey discloses that the routers are DLSw devices (i.e. fig. 1, 16, 18, 28 are data link switches).

Allowable Subject Matter

5. Claims 1-8, 10-20, 26 and 27 are allowed.

Response to Arguments

6. Applicant's arguments with respect to claims 21-25, 28 and 29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 703-305-6531. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George
7 May 2004



CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 5/10/04